

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HERMAN ROBINSON, III,  
Plaintiff,

vs.

UNITED STATES OF AMERICA,  
Defendant.

2:21-CV-10947-TGB-APP

HON. TERRENCE G. BERG  
HON. ANTHONY P. PATTI

**ORDER ADOPTING REPORT  
AND RECOMMENDATION  
(ECF NO. 26)**

This matter is before the Court on Magistrate Judge Anthony P. Patti's July 26, 2022 Report and Recommendation (ECF No. 26), recommending that Defendant's motion to dismiss or in the alternative for summary judgment (ECF No. 17) be **GRANTED**, and Plaintiff's motion for summary judgment (ECF No. 20) be **DENIED**.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a “*de novo* determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to

the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will therefore accept the Magistrate's Report and Recommendation of July 26, 2022 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Patti's Report and Recommendation of July 26, 2022 is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant's motion to dismiss or in the alternative for summary judgment is **GRANTED**. It is **FURTHER ORDERED** that Plaintiff's motion for summary judgment is **DENIED**. Plaintiff's claims are **DISMISSED**.

**SO ORDERED.**

Dated: Sept. 2, 2022

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE